

LEGISLATIVE BILL 498

Approved by the Governor March 30, 1999

Introduced by Wickersham, 49; Jensen, 20

AN ACT relating to public health and welfare; to amend section 71-5178, Revised Statutes Supplement, 1998; to provide for the use of automated external defibrillators; to define terms; to provide for immunity from liability; to provide for rules and regulations; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For purposes of this section:

(a) Automated external defibrillator means a device that:

(i) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention of an operator, whether defibrillation should be performed; and

(ii) Automatically charges and requests delivery of an electrical impulse to an individual's heart when it has identified a condition for which defibrillation should be performed;

(b) Health care facility means an institution subject to licensing under sections 71-2017 to 71-2029; and

(c) Health care professional means any person who is licensed, certified, or registered by the Department of Health and Human Services Regulation and Licensure and who is authorized within his or her scope of practice to use an automated external defibrillator.

(2) No person other than a health care professional shall use an automated external defibrillator for emergency care or treatment unless:

(a) The user of the defibrillator has received appropriate training in the use of the defibrillator as established by the Department of Health and Human Services Regulation and Licensure; and

(b) The defibrillator is maintained and tested according to the manufacturer's guidelines.

(3) Except for the action or omission of a health care professional acting in such capacity or in a health care facility, no person who delivers emergency care or treatment using an automated external defibrillator as prescribed in subsection (2) of this section shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of rendering such care or treatment in good faith. Nothing in this subsection shall be deemed to (a) grant immunity for any willful, wanton, or grossly negligent acts of commission or omission or (b) limit the immunity provisions for certain health care professionals as provided in section 71-5194.

Sec. 2. Section 71-5178, Revised Statutes Supplement, 1998, is amended to read:

71-5178. The department, with the approval of the board, shall adopt and promulgate rules and regulations necessary to:

(1) Implement the Emergency Medical Services Act;

(2) Create the following certification classifications of out-of-hospital emergency care providers: (a) First responder; (b) emergency medical technician; (c) emergency medical technician-intermediate; and (d) emergency medical technician-paramedic. The rules and regulations creating the classifications shall include the practices and procedures authorized for each classification, training and testing requirements, recertification requirements, and other criteria and qualifications for each classification determined to be necessary for protection of public health and safety;

(3) Provide for curricula which will allow out-of-hospital emergency care providers and users of automated external defibrillators as defined in section 1 of this act to be trained for the delivery of practices and procedures in units of limited subject matter which will encourage continued development of abilities and use of such abilities through additional authorized practices and procedures;

(4) Establish procedures and requirements for applications for examination, certification, or recertification in any of the certification classifications created pursuant to the Emergency Medical Services Act;

(5) Provide for the licensure of basic life support services and advanced life support services. The rules and regulations providing for licensure shall include standards and requirements for: Vehicles, equipment, maintenance, sanitation, inspections, personnel, training, medical direction,

records maintenance, practices and procedures to be provided by employees or members of each classification of service, and other criteria for licensure established by the department with the approval of the board;

(6) Authorize emergency medical services to provide differing practices and procedures depending upon the qualifications of out-of-hospital emergency care providers available at the time of service delivery. No emergency medical service shall be licensed to provide practices or procedures without the use of personnel certified to provide the practices or procedures;

(7) Authorize out-of-hospital emergency care providers to perform any practice or procedure which they are authorized to perform with an emergency medical service other than the service with which they are affiliated when requested by the other service and when the patient for whom they are to render services is in danger of loss of life;

(8) Provide for the approval, inspection, review, and termination of approval of training agencies and establish minimum standards for services provided by training agencies. All training for certification shall be provided through an approved or accredited training agency;

(9) Provide for the minimum qualifications of a physician medical director in addition to the licensure required by subdivision (10) of section 71-5175;

(10) Provide for the use of physician medical directors, qualified physician surrogates, model protocols, standing orders, operating procedures, and guidelines which may be necessary or appropriate to carry out the purposes of the act. The model protocols, standing orders, operating procedures, and guidelines may be modified by the physician medical director for use by any out-of-hospital emergency care provider or emergency medical service before or after adoption;

(11) Establish criteria for approval of organizations issuing cardiopulmonary resuscitation certification which shall include criteria for instructors, establishment of certification periods and minimum curricula, and other aspects of training and certification; ~~and~~

(12) Establish recertification and renewal requirements for out-of-hospital emergency care providers and emergency medical services and provide for compliance with recertification requirements by one of the following methods: (a) Continuing education; (b) achieving a department-prescribed level of performance on a written and practical skills test; or (c) verification by a physician medical director or qualified physician surrogate that the applicant is qualified for recertification. The recertification requirements for out-of-hospital emergency care providers shall allow recertification at the same or any lower level of certification for which the out-of-hospital emergency care provider is determined to be qualified. All certificates and licenses issued under the act shall expire at midnight on December 31 the third year after issuance; ~~and~~

(13) Establish criteria for deployment and use of automated external defibrillators as necessary for the protection of the public health and safety.

Sec. 3. Original section 71-5178, Revised Statutes Supplement, 1998, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.